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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,376	10/17/2003	Adriana Kliegman	432400	2219

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SEYFARTH SHAW LLP  
55 E. MONROE STREET  
SUITE 4200  
CHICAGO, IL 60603-5803

EXAMINER
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WALCZAK, DAVID J

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,376	<b>Applicant(s)</b> KLIEGMAN ET AL.	
	<b>Examiner</b> David J. Walczak	<b>Art Unit</b> 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 and 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 20 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/5/03 &amp; 7/29/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election***

Applicant's election of Group I, without traverse, in the reply filed on 3/2/06 is acknowledged.

The election of Species I, with traverse, in the reply filed on 3/2/06 is also acknowledged. The traversal is on the ground that the independent claims are generic to the all species. This is not found persuasive because while independent claim 1 is generic to all of the species, the dependent claims are not, i.e., claims 13-17 read on Species II and claims 18 and 19 read on Species IV. As the various embodiments are individually claimed in various dependent claims, an election of species requirement is proper. Accordingly, claims 1-12 and 20 are readable on Species I and will be examined herein. Claims 13-19 and 21-26 are hereby withdrawn from further consideration.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

The disclosure is objected to because of the following informalities: On page 6, line 3, "45" should be --46--, on page 7, line 6, "51" should be --50-- and "50" should be --51--, on page 7, line 7, "51" should be --50--, on page 7, line 9, "50" should be --51--, on page 9, line 21, "82a" should be --82-- and on page 11, line 15, "51" should be --50--.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The limitation "gasket portion" (claim 20) does not have antecedent basis in the specification.

***Claim Rejections - 35 USC § 112***

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. An antecedent basis for "the button" should be defined.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 8 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al. (hereinafter White, as cited by Applicant. In regard to claim 1, White discloses a fluid containing cleaning device comprised of a housing 12 defining a fluid reservoir and an opening, a cleaning medium 20, 25 carried by the housing, a valve 24 carried by the housing for providing communication between the reservoir and the cleaning medium, a closure structure 45 closing the opening, a flexible and resilient actuator 50 adjacent the reservoir and deflectable between rest and actuating positions

and a bias structure 36, 31, 40 adjacent the actuator for returning the actuator to the rest position. In regard to claim 2, the bias structure is formed from a resilient material and the actuator has a dome portion 51 which abuts the actuator. In regard to claim 4, the closure includes a collar 48 for receiving the bias structure. In regard to claim 6, the bias structure is a coil spring 36. In regard to claim 8, the housing includes a base 20 on which the cleaning medium is carried and has an aperture 22 therein wherein the valve is movable relative to the aperture. In regard to claim 20, a "gasket portion" 54 of the actuator provides a fluid tight seal between the closure and the housing.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over White.

Although the White reference does not disclose the material used to make the spring, the Examiner takes official notice that such coil springs are commonly made from metal in order to provide a flexible and resilient spring structure. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the spring in the White device from metal in order to provide the user with a flexible and resilient spring structure.

Claims 1, 3, 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wohl et al. (hereinafter Wohl) in view of White. In regard to claim 1, Wohl discloses a fluid containing cleaning device comprised of a housing D defining a fluid reservoir and an opening, a cleaning medium B carried by the housing, a valve 32 carried by the housing for providing communication between the reservoir and the cleaning medium, a closure structure 34 closing the opening, an actuator 26 adjacent the reservoir and deflectable between rest and actuating positions and a bias structure 34 adjacent the actuator for returning the actuator to the rest position. Although the actuator 26 is not disclosed as flexible, as claimed, attention is directed to the White reference, which discloses another cleaning device wherein the actuator 50 is flexible as claimed in order to enable the device to be sealed (see column 4, lines 1-8). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the actuator 26 in the Wohl device with such a flexible and resilient actuator which seals around the closure structure in order to prevent the Wohl device from leaking. In regard to claim 3, Wohl discloses a retaining plate 20 in the opening wherein the bias structure is positioned between the plate and the actuator. In regard to claim 5, the closure includes a cap 27 threaded to the housing. In regard to claim 6, the bias structure is a coil spring. In regard to claim 7, although the Wohl reference does not disclose the material used to make the spring, the Examiner takes official notice that such coil springs are commonly made from metal in order to provide a flexible and resilient spring structure. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the spring in the

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Wohl device from metal in order to provide the user with a flexible and resilient spring structure. In regard to claim 9, although the Wohl reference does not disclose that the plate 20 in the shape of a cross, it is the Examiner's position that it would have been obvious to one of ordinary skill in the art at the time the invention was made that plate 20 can be formed to have any suitable shape, including a cross-shape, without effecting the overall operation of the device.

### ***Allowable Subject Matter***

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

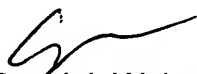
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Herb, Lupo and Gill references are cited for disclosing other fluid dispensing cleaning devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David J. Walczak  
Primary Examiner  
Art Unit 3751

DJW  
4/6/06